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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,456	08/19/2003	Hugh F. Harnsberger	12382.0016	4129
<div>7590 01/16/2007 JONES, WALDO, HOLBROOK &amp; MCDONOUGH, PC Attn: Brent T. Winder Suite 1500 170 South Main Street Salt Lake City, UT 84101-1644</div>			<div>EXAMINER VU, KIEU D</div> <div>ART UNIT 2173      PAPER NUMBER</div>	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/16/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/643,456	<b>Applicant(s)</b> HARNSBERGER ET AL.	
	<b>Examiner</b> Kieu D. Vu	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 23-28, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the displayed picture" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 23-28 recite the limitation "the professional area of practice" in lines 2. There is insufficient antecedent basis for this limitation in the claims.

Claim 30 recites the limitation "the device for storing and managing an electronic medical reference" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanescu et al (US 2003/0013951) and Campbell et al (US 6,047, 259).

Regarding claims 1 and 14, Stefanescu teaches a device for storing and managing an electronic medical reference library (see device for displaying workspace 402 in Fig. 4, [0051]), comprising: a) an electronic medical reference, designated by title, displayed for electronic selection (see reference workspace [0049]); b) a list of individual diagnoses, to be displayed for electronic selection after electronic selection of the electronic reference (when "Reference" is selected in Fig. 4, text area 604 in reference workspace presents a list of diagnoses, Fig. 6, [0055]); image area 606 displays image(s) representative to the diagnoses in the text area 604 ([0056], Fig. 6), wherein a representative button (matching button) of the image(s) is provided on a navigation bar (navigation tools) ([0055], [0056]). Stefanescu further teaches displaying a list of key facts, related to the diagnose(s), upon selection on the representative button (other images and clinical data are displayed upon selection of the matching button) ([0056]).

Stefanescu does not teach that displaying navigation bar and displaying a list of key facts take place when a diagnose is selected. However, such feature is known in the art as taught by Campbell. Campbell teaches a device for storing and managing an electronic medical reference library (Fig. 1-2). Campbell further teaches, upon selection of a diagnose (col. 17, lines 23-45), displaying a list of diagnoses (see Tentative diagnoses in 908 in Fig. 9) and displaying a navigation bar (see navigation area having buttons 1010, 1012, 10140 in Fig.10) and displaying a list of key facts (see listed facts on the screen 1000 in Fig. 10) (col. 17, lines 46-52). Since Stefanescu and Campbell's teachings are in the same field of storing and managing medical data, it would have

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been obvious to one of ordinary skill in the art, having the teaching of Stefanescu and Campbell before him at the time the invention was made, to include Campbell's diagnose selection in Stefanescu's device with the motivation being to provide the user with the ability to select a diagnose and control what images/ clinical data will be displayed in the display area 606 so that the area 606 only displays images/clinical data related to the selected diagnose.

Regarding claim 4, Stefanescu and Campbell teach a picture legend, displayed after electronic selection of a legend button displayed on the displayed picture (Stefanescu, Fig. 4-7, Campbell, Fig. 7).

Regarding claim 5, Stefanescu and Campbell teach a list of images related to a selected individual diagnosis, having a representative button on the navigation bar, displayed after having its representative button selected on the navigation bar (Stefanescu, Fig. 6-7).

Regarding claim 6, Stefanescu and Campbell teach a list of differential diagnoses, related to a selected individual diagnosis, having a representative button on the navigation bar, displayed after having its representative button selected on the navigation bar (Stefanescu, Fig. 6, [0055], [0056], Campbell, fig. 10).

Regarding claim 7, Stefanescu and Campbell teach a list of pathology information, related to a selected individual diagnosis, having a representative button on the navigation bar, displayed after having its representative button selected on the navigation bar (Stefanescu, [0055], [0056], [0057], [0067]).

Regarding claim 8, Stefanescu and Campbell teach a list of clinical issues information, related to a selected individual diagnosis, having a representative button on the navigation bar, displayed after having its representative button selected on the navigation bar (Stefanescu, "clinical data", [0055], [0056]).

Regarding claim 9, Stefanescu and Campbell teach a list of selected references information, related to a selected individual diagnosis, having a representative button on the navigation bar, displayed after having its representative button selected on the navigation bar (Fig. 4, 6-7).

Regarding claims 10 and 17, Stefanescu and Campbell teach further comprising a note page that allows a user to add personal notes that are permanently related to a selected individual diagnosis (Stefanescu, "data/comments", [0115]).

Regarding claims 11 and 18, Stefanescu and Campbell teach a notes beaming function, that allows a user to send personal notes to another user of a portable electronic medical reference library that has the same electronic medical reference book title (Stefanescu, [0115]).

Regarding claims 12 and 15, Stefanescu and Campbell teach an electronic medical reference beaming function, that allows an original user to send a selected electronic medical reference to a second user that has a personal digital assistant so the second user can use the selected electronic medical reference for a specified period of time before being disabled (Stefanescu, [0055], [0056], [0115]).

Regarding claims 13 and 16, Stefanescu and Campbell teach a function that allows the second user to receive authorization for the continued use of the beamed selected electronic medical reference sent from the original user (Stefanescu, [0121]).

Regarding claim 19, Stefanescu and Campbell teach the electronic library of knowledge is related to a professional area of practice requiring recognition of a visual item to assist a professional in making a decision (Stefanescu, [0006], Campbell, col. 2, lines 22-31).

Regarding claim 20, Stefanescu and Campbell teach wherein the professional area of practice is medicine (Stefanescu, [0006], Campbell, col. 2, lines 22-31).

Regarding claim 27, Stefanescu and Campbell teach wherein the professional area of practice is business (Campbell, Fig. 11).

Regarding claims 21-26 and 28, Stefanescu and Campbell do not explicitly teach that the professional area of practice is one of engineering, automobile maintenance and repair, accounting, chemistry, visual art, law, and language. However, since using graphical user interface having navigation bar/buttons to manage, retrieving, and displaying text and image data is known in the art, it would have been obvious to one of ordinary skill in the art, having the teaching of Stefanescu and Campbell before him at the time the invention was made, to use Stefanescu and Campbell's system in areas such as engineering, automobile maintenance and repair, accounting, chemistry, visual art, law, and language with the motivation to enhance the usefulness of the system.

Regarding claims 29-30, Stefanescu teaches wherein the device for storing and managing an electronic medical reference is a personal digital assistant [0028]).

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanescu et al (US 2003/0013951), Campbell et al (US 6,047, 259) and Montlick (US 5,561,446).

Regarding claims 2-3, Stefanescu and Campbell do not teach that the list of diagnoses is displayed in alphabetical listing or the list of diagnoses is displayed in alphabetical listing based upon a particular category of diagnosis. However, such feature is known in the art as taught by Montlick. Montlick teaches a device for storing and managing medical data which comprises listing diagnoses in alphabetically order (Fig. 2, col. 7, lines 32-35). It would have been obvious to one of ordinary skill in the art, having the teaching of Stefanescu and Campbell before him at the time the invention was made, to include Montlick's teaching in Stefanescu and Campbell's device with the motivation being to provide the user with an alphabetically-ordered list of diagnoses so that the user can easily and conveniently view and browse.

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach devices for managing medical information which relates to the instant application.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.



The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu D. Vu

Primary Examiner